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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,095	06/08/2005	Bas Jan Van Rens	259348	1354
23460 7590 09/02/2010 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731				
EXAMINER DAVIS, CASSANDRA HOPE				
ART UNIT 3611		PAPER NUMBER		
NOTIFICATION DATE 09/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com

Office Action Summary

Application No.

10/538,095

Applicant(s)

VAN RENS, BAS JAN

Examiner

Cassandra Davis

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-10 and 12-14 is/are allowed.
- 6) ☒ Claim(s) 5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the disk 100 (page 6, line 28), contact surfaces 38 (page 7, line 6), surfaces 37 (page 7, line 6), opening 24 (page 7, line 18, arm portion 164 (page 7, line 30), pivot 174 (page 7, line 31), rotary disk 40 (page 8, line 1), the locking means comprising a rotary disk (claim 5) and the reading means comprising light sensors located on or near the rotary disk as recited on page 4, lines 19 to+ page 5, line 2 and claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to because reference numeral 23 seen in figure 2 is not in the specification, reference numeral 18 is used to identify both a button and keys see page 7, lines 2 and 4.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
6. On page 7, lines 3-6, the applicant recites "the housing portion 4 comprises a printed circuit board 20 which accommodates a driving circuit 21 and electrical connections 22 to keys 18 and other control means. It also accommodates electrical connections 22 to a series of contact surfaces 38 which can contact contact surfaces 37." It is unclear what is meant by "accommodate electrical connections to a series of contact surfaces. This feature is not shown in the drawings.
7. On page 7, line 10, it is unclear what is the function of the pin shaped connection 25.
8. On page 7, lines 16-17, it is unclear how the conducting parts 6 contact the contact surface. In addition, it is unclear if the conducting part 6 recited on page 7, line 16 is the same as the pin 6 recited on page 6.
9. On page 8, it is unclear if the spring 27 recited on page 8, line 9 is the same as the hook recited on page 6, line 29.

10. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. Claims 7 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
12. The specification does not adequately describe the reading means and the driving means recited in claim 7. In addition, it is unclear from the specification how the display is adapted to be presented in a third position wherein the display is partially visible as recited in claim 12.

Response to Arguments

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 15.
16. In claim 5, it is unclear how the rotary disk locks the display in the first position.
17. In claim 7, it is unclear what structural elements correspond to the claimed reading means and driving means. If the applicant intends to invoke 35 USC 112 6th paragraph, the claim must use the "means plus function" language.

Allowable Subject Matter

18. Claims 1-4, 6, 7-10, 12-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

19. Applicant's arguments filed March 22, 2010 have been fully considered but they are not persuasive.

20. Claim 5 was held indefinite because it is unclear how the rotary disk locks the display in the first position. In response, the applicant directed the examiner to page 3, line 30 to page 4, line 9 of the specification. The applicant indicated that the locking means comprises a rotary disk with which the display can be locked in the first position. However, the applicant does not clearly show the rotary disk and how the edge thereof protrudes through a slot-like opening in the housing. It is unclear for the specification and/or drawing how the locking means with rotary disk locks the display in the first position.

21. Claim 7 was held indefinite because it is unclear what structural elements correspond to the claimed reading means and driving means. In response, the applicant directed the examiner to page 4, lines 19-32. The applicant indicated that the reading means comprises, for example, one or more lights sensors which are located on or near the rotary disk. However, the limitation is not shown in the drawings. It is still unclear from the specification and/or drawing what structural element such as the sensor and how the interact with the other components to define a reading means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/
Primary Examiner
Art Unit 3611

CD